

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOAN AUFDERHEIDE,

Plaintiff,

VS.

FULTON STATE HOSPITAL,

Defendant.

Case No. 4:11cv0940 TCM

MEMORANDUM AND ORDER

Before the Court are several supplemental pleadings by Plaintiff, which the Court believes are intended to act as an amended complaint in this action. Because the pleadings are not provided to the Court in one, cogent document, the Court will order Plaintiff to submit *one* amended complaint, on a court-form, within thirty (30) days of the date of this Order.

Plaintiff brings this action against Fulton State Hospital pursuant to 42 U.S.C. § 1983 alleging violations of her civil rights. Because Plaintiff's original complaint was illegible, she was instructed on June 1, 2011 to file an amended complaint on a court-form. Since that time, Plaintiff has filed four different pleadings, which appear to add numerous additional defendants and claims. Because Plaintiff has asserted her claims in multiple documents, it is difficult for the Court to ascertain exactly who the named defendants are in this action and what Plaintiff's claims are against those specific defendants. Accordingly, the Court will

order Plaintiff to file **one complete amended complaint, on a court-form**, that encompasses all of her claims against every defendant. See E.D. Mo. L. R. 45-2.06(A).

Plaintiff is warned that in order to comply with this Order, she may only file one amended complaint, and that this amended complaint must be on a court-form and legible. The filing of an amended complaint replaces the original complaint, and claims that are not realleged are deemed abandoned. See e.g., In re Wireless Tel. Fed. Cost Recovery Fees Litig., 396 F.3d 922, 928 (8th Cir. 2005). Plaintiff must name each defendant in the caption of the complaint. Additionally, in the "Statement of Claim" section of the complaint, she must state exactly what each defendant did, or failed to do, in violation of her rights. Plaintiff should also address her claims against each defendant in separately numbered paragraphs.

If Plaintiff does not file an amended complaint within thirty days of the date of this Order, and in compliance with the instructions set forth above, this action will be dismissed without prejudice.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall mail to Plaintiff a civil complaint form.

IT IS FURTHER ORDERED that plaintiff shall file an amended complaint using the civil complaint form. Plaintiff is directed to either type the form or make her handwriting legible using an ink pen.

IT IS FURTHER ORDERED that Plaintiff has thirty (30) days in which to comply with this Order.

IT IS FINALLY ORDERED that if Plaintiff fails to timely comply with this Order, the Court will dismiss this action without prejudice.

Dated this 13th day of July, 2011.

/s/Thomas C. Mummert, III
THOMAS C. MUMMERT, III
UNITED STATES MAGISTRATE JUDGE